

POLICY OF STATE OF DELAWARE DEPARTMENT OF CORRECTION	POLICY NUMBER I-06	PAGE NUMBER 1 OF 2
	RELATED NCCHC STANDARDS: P-1-06/4-4397 (IMPORTANT)	
CHAPTER: 11 HEALTH SERVICES	SUBJECT: RIGHT TO REFUSE TREATMENT	
APPROVED BY THE COMMISSIONER:		
EFFECTIVE DATE: 11-19-07		

PURPOSE:

To recognize inmates right to refuse specific treatment interventions.

POLICY:

1. An inmate, at the time of being offered medical evaluation or treatment, may refuse health care.
2. Inmates are not allowed to give blanket refusal for treatment upon admission or at any time during their incarceration.
3. The site Medical Director, or designee, counsels inmates who refuse medical treatment when that refusal may seriously jeopardize the patient's health or the health of others.
4. Counseling regarding the consequences of refusing treatment is documented in the Health Record.
5. Refusal of treatment is in writing and will describe the nature of the condition for which treatment is being offered and the type of service offered.
6. The Facility Warden/Deputy Warden, or designee, is notified if an inmate's condition deteriorates and refusal of treatment continues.
7. If the inmate refuses to sign the Release of Responsibility form, the healthcare professional obtaining the refusal makes a notation of the inmate's refusal to sign the form and obtains the signature of a witness to the refusal, if available.
8. Tracking and trending of refusals are included in the QI program to assure that refusals are not caused by process problem or system disincentives.

The Facility Warden/Deputy Warden and the medical director seeks legal counsel from the Department of Correction and medical vendor's legal department on a case-by-case basis if an inmate's on-going refusal is a threat to life or if inmate's mental capacity is diminished.

References:

National Commission on Correctional Health Care: Standards for Health Services in Jails, 2003, J-I-06